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Nos. 80-1067 and 80-847

In the Supreme Court of the United States

OCTOBER TERM, 1980

FEDERAL ELECTION COMMISSION, APPELLANT,

v.

AMERICANS FOR CHANGE, ET AL., APPELLEES.

COMMON CAUSE, ET AL., APPELLANTS,

v.

HARRISON SCHMITT, ET AL., APPELLEES, and
FEDERAL ELECTION COMMISSION,
INTERVENOR-APPELLEE.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOINT APPENDIX

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In the Supreme Court of the United States

OCTOBER TERM, 1980

Nos. 80-1067 and 80-847

FEDERAL ELECTION COMMISSION, APPELLANT,

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AMERICANS FOR CHANGE, ET AL., APPELLEES.

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HARRISON SCHMITT, ET AL., APPELLEES, and
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CHRONOLOGICAL LIST OF DOCKET ENTRIES IN *FEDERAL ELECTION COMMISSION* v. *AMERICANS FOR CHANGE*

United States District Court for the District of Columbia:

July 15, 1980—Complaint; Appearance.

July 15, 1980—Summons (3) and copies (3) of complaint issued Defendant #1 served 7-23-80; Defendant #3 served 7-28-80; Defendant #2 NS 7-21-80.

July 15, 1980—Request by plaintiffs for the convening of a three-judge District Court.

July 17, 1980—Copy of Motion by Intervenor-Plaintiffs, Common Cause, to consolidate related cases and for order imposing expedited procedures.

July 17, 1980—Copy of Request by Intervenor-Pltfs., Common Cause, for immediate status conference before the three-judge District Court.

July 17, 1980—Motion by Intervenor-Plaintiffs, Common Cause, for leave to intervene.

July 17, 1980—Complaint by Intervenor-Plaintiffs, Common Cause, for entry of declaratory and injunctive relief by a three-judge District Court; Exhibits 1 through 6.

July 18, 1980—Copy of affidavit of special process server Paul J. Coleman upon defts. 7-17-80. (orig. filed in CA80-1609).

July 22, 1980—Copy of Order filed 7-21-80 directing that the oppositions to any motions to dismiss shall be filed on or before 7-28-80; opposition to the motion to intervene filed in C.A. 80-1754 shall be filed on or before 7-25-80; opposition to the motion to consolidate filed by Common Cause shall be filed on or before 7-25-80; Common Cause in C.A. 80-1609 & Federal Election Commission C.A. 80-1754 shall file their initial briefs on the merits on or before 8-4-80; reply briefs on the merits shall be filed on or before 8-11-80. John Garrett Penn, J.

July 23, 1980—Summons (1) and copy (1) of complaint issued to defendant #2. Served #2 defendant 7-23-80.

July 23, 1980—Motion [to dismiss] of defendant #2 Americans for an Effective Presidency, memorandum of points and authorities.

July 25, 1980—Opposition of deft. #1 Americans for Change to Motion by pltfs. for expedited answer and review and P & A's.

July 25, 1980—Opposition of Defendant #1, Americans for Change to Motion of Common Cause, etc. for leave to intervene by defendant Americans for Change, memorandum of points and authorities.

July 25, 1980—Memorandum of points and authorities of the Federal Election Commission in opposition to the motion to intervene of Common Cause.

July 25, 1980—Memorandum of Points and Authorities of Americans for an Effective Presidency in Opposition to Motion of Common Cause, David Cohen & Winifred Long for leave to intervene, to consolidate and to impose expedited procedures.

July 25, 1980—Opposition of defendant Fund for a Conservative Majority to Motion of Common Cause, et al., for leave to intervene, memorandum of points and authorities.

July 25, 1980—Opposition by defendant Fund for a Conservative Majority to plaintiff's motion for an expedited answer.

July 25, 1980—Copy of opposition by defendants Americans for Change to motion of Common Cause, etc. to consolidate related cases and for an order imposing expedited procedures of defendants Harrison H. Schmitt, Carl T. Curtis and Americans for Change, memorandum of points and authorities. (orig. 80-1609).

July 25, 1980—Copy of notice to take depositions of The Reagan for President Committee, The Republican National Committee, Stan Huchaby and John Deardourff, attachments A-D. (orig. filed in 80-1609).

July 28, 1980—Order filed 7-28-80 extending time to 7-28-80 for Americans for an Effective Presidency and Fund for a Conservative Majority to file motions to dismiss; opposition to motions to be filed 8-1-80; Common Cause may limit reply to jurisdictional issues. John Garrett Penn, J.

July 29, 1980—Amended notice by pltfs. to take depositions of the Republican National Committee, John Deardourff, The Reagan for President Committee and Stuart Spencer, attachment A, exhibit 1 and 2 attachment B, exhibit 1 and 2; attachment C, exhibit 1; attachment D and E.

July 30, 1980—Copy of Second Amended notice by pltfs. to take depositions of John Deardourff, The Reagan for President Committee, Stuart Spencer, The Republican National Committee and Brad O'Leary, attachments (8). (orig. filed in CA 80-1609)

July 30, 1980—Copy of motion by John Deardourff to quash subpoena duces tecum or for protective order, memorandum of points and authorities. (orig. filed in C.A. 80-1609).

July 30, 1980—Copy of motion by Americans for an Effective Presidency for a protective order staying all discovery, memorandum of points and authorities. (orig. filed in C.A. 80-1609).

July 30, 1980—Copy of written objection by John Deardourff to inspection & copying of any or all documents designated in subpoena duces tecum. (orig. filed in C.A. 80-1609).

July 31, 1980—Order filed 7-29-80 denying motion of plaintiff for expedited discovery. John Garrett Penn, J.

July 31, 1980—Order filed 7-29-80 setting hearing on motion to dismiss on 8-6-80 at 2:00 P.M.; setting hearing on merits on 8-19-80 at 2:00 P.M. John Garrett Penn, J.

July 31, 1980—Motion of defts. Harrison H. Schmitt & Carl T. Curtis and Americans for Change for protective order, memorandum of points and authorities, exhibit A.

July 31, 1980—Motion of defts. Harrison H. Schmitt & Carl T. Curtis and Americans for Change for protective order as to third party discovery, exhibit A.

August 1, 1980—Copy of Memorandum of points and authorities by plaintiffs in opposition to motions for a protective order staying discovery and in support of an order enforcing subpoenas duces tecum. (orig. filed in 80-1609).

August 4, 1980—Copy of motion of Southeastern Legal Foundation for leave to appear as amicus curiae (Exhibit). (orig. filed in 80-1609).

August 4, 1980—Copy of response of Americans for an Effective Presidency and John Deardourff to plaintiffs' memorandum of points and authorities in opposition to motions for a protective order staying discovery and in support of an order enforcing subpoena duces tecum. (orig. filed in 80-1609).

August 4, 1980—Motion of the American Civil Liberties Union Fund of the National Capital Area for leave to participate as amicus curiae, appendix 1 (Exhibit).

August 4, 1980—Motion of defendant #1 Americans for Change to dismiss or, in the alternative, for summary judgment, table of contents, table of authorities, memorandum of points and authorities, statement of material facts.

August 4, 1980—Copy of motion of defendant #3 Fund for a Conservative Majority to dismiss, memorandum of points and authorities. (orig. filed in 80-1609).

August 5, 1980—Motion of Federal Election Commission for summary judgment, table of contents, table of authorities, memorandum of points and authorities, statement of material facts, exhibits #1—26 (In Exhibit Binder).

August 6, 1980—Appearance of Arthur B. Spitzer as counsel for Amicus Curiae American Civil Liberties Union Fund of the National Capital Area (600 Pa. Ave. S.E. Wash. D.C. 20003, tel: 544-1076).

August 6, 1980—Copy of motion by plaintiffs for order enforcing subpoenas duces tecum, memorandum of points and authorities, exhibit 1.

August 6, 1980—Amended table of authorities by defendant Americans for Change to motion to dismiss filed 8-4-80.

August 7, 1980—Designation of the Honorable Edward Allen Tamm, U.S. Circuit Judge and the Honorable Malcolm Richard Wilkey, U.S. Circuit Judge, U.S.C.A., to serve with the Honorable John Garrett Penn, U.S.D.C. Judge as members of a three-judge court to hear and determine this case. J. Skelly Wright, Chief Judge, U.S. Court of Appeals.

August 8, 1980—Copy of letter from defendant #3 in re: typographical errors made in motion to dismiss filed 8-4-80. (orig. filed in CA80-1609).

August 11, 1980—Opposition by defendant #1 Americans for Change to motion of the Federal Election Commission for summary judgment, memorandum of points and authorities, statement of genuine issues.

August 11, 1980—Response of the Federal Election Commission to motions to dismiss and/or for summary judgment, table of contents, table of authorities.

August 11, 1980—Statement of Genuine Issues [brief on the merits, table of contents, table of authorities, request for permission to be heard in open court filed] by defendant #2 Americans for an Effective Presidency.*

August 11, 1980—Motion of deft. #2 Americans for an Effective Presidency for leave to exceed page limitations. (Exhibit).

August 11, 1980—Copy of reply brief of Southeastern Legal Foundation as amicus curiae, table of authorities.

August 12, 1980—Opposition of defendant #3 to plaintiffs' statement of material facts as to which there is no genuine dispute.

August 12, 1980—Copy of reply by defendant #3 to Common Cause's opening brief on the merits and opposition to Federal Election Commission's motion for summary judgment, table of contents, table of authorities, preliminary statement.

August 12, 1980—Amendment by defendant #2 to statement of genuine issues of Americans for an Effective Presidency.

August 14, 1980—Copy of memorandum of points and authorities of intervenor-plaintiffs in opposition to motion to dismiss or, in the alternative, for summary judgment of

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* Documents bracketed were filed by defendant #2 Americans for an Effective Presidency but do not appear on the Court's docket sheets.

defendant, Americans for Change and in opposition to the motion for summary judgment of defendant Americans for an Effective Presidency in No. 80-1609; statement of material facts; affidavit of David Cohen. (orig. filed in C.A. 80-1609).

August 15, 1980—Errata by pltf.

August 18, 1980—Copy of reply brief by plaintiffs on the merits, table of contents, table of authorities.

August 22, 1980—Copy of Order filed 8-19-80 granting permission of Ralph K. Winter to argue for deft. Americans for an Effective Presidency. Penn, J. Wilkey, J. and Tamm, J., U.S.C.A.

August 22, 1980—Copy of Order filed 8-19-80 granting leave to Southeastern Legal Foundation for leave to appear as amicus curiae. Penn, J.; Wilkey, J. and Tamm, J., U.S.C.A.

August 22, 1980—Order filed 8-19-80 granting leave of Court for deft. Americans for an Effective Presidency to file a brief in excess of 35 pages. Penn, J.

August 22, 1980—Brief of defendant #2 Americans for an Effective Presidency on the merits, table of contents, table of authorities, request for permission to be heard in open court, statement of material facts, exhibit 1 and 2.*

August 22, 1980—Motions of plaintiffs for declaratory judgment and permanent injunction heard and taken under advisement. Penn, J.; Wilkey, J.; Tamm, J., U.S.C.A.

August 28, 1980—Order granting motion of ACLU Fund of National Capital Area for leave to participate as amicus curiae; denying motion of Common Cause to intervene; denying motion of plaintiff for summary judgment; granting motions of defendants for summary judgment; denying all other pending motions. (N) Penn, J., Wilkey, J., Tamm, J.

September 11, 1980—Transcript of proceedings of 8-19-80; pages 1-78 (Rep. Judith M. McGinn) Court Copy (filed in CA80-1754).

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* See August 11, 1980 entry.

September 26, 1980—Copy of Order of 9-25-80 consolidating C.A. 80-1609 with C.A. 80-1754. Tamm, J., U.S.C.A.; Wilkey J., U.S.C.A.; Penn, J., U.S.D.C.

September 26, 1980—Notice of appeal to the Supreme Court by Common Cause, David Cohen and Winifred Long from denial of 8-28-80.

October 1, 1980—Memorandum and Order filed 9-30-80 denying motion of Federal Election Commission for summary judgment; granting motion of political committees and individuals for summary judgment dismissing Count I of complaint brought by Common Cause as moot; dismissing Count II of complaint for lack of jurisdiction. Wilkey, J., U.S.C.A.; Tamm, J., U.S.C.A.; Penn, J., U.S.D.C.

October 3, 1980—Copy of amended notice of appeal to the Supreme Court of the United States by Common Cause, David Cohen and Winifred Long.

October 8, 1980—Copy of Notice of Appeal to the Supreme Court of the United States by plaintiff Federal Election Commission.

February 24, 1981—Certified copy of Order of the U.S. Supreme Court filed 2-23-81 noting probable jurisdiction and consolidating the case with No. 80-1067 *FEC* v. *Americans for Change, et al.* and allotting a total of one hour for oral argument. (orig. filed in C.A. 80-1609).

CHRONOLOGICAL LIST OF DOCKET ENTRIES IN *COMMON CAUSE* v. *HARRISON SCHMITT*

United States District Court for the District of Columbia:

July 1, 1980—Complaint, appearance.

July 1, 1980—Request of pltffs. for the convening of a Three-Judge District Court.

July 1, 1980—Motion of pltffs. for an immediate hearing on pltffs. motion for an expedited schedule.

July 1, 1980—Request of pltffs. for an expedited discovery and briefing schedule; points and authorities.

July 1, 1980—Request of pltffs. to deft. Carl T. Curtis for production of documents.

July 1, 1980—Request of pltff. to deft. Harrison Schmitt for production of documents.

July 1, 1980—Request of pltff. to deft. Americans for Change for production of documents.

July 1, 1980—Interrogatories by pltffs. to deft. Americans for Change.

July 1, 1980—Request for order appointing special process server and order appointing Sandra Bisbey to serve summons and complaint upon defts.

July 1, 1980—Summons (3) and copies (3) of complaint issued.

July 7, 1980—Compilation of the Federal Election Campaign Act and the Presidential Election Campaign Fund Act published by the Federal Election Commission.

July 7, 1980—Opposition by defts. to pltfs. motion for expedited discovery, briefing schedule and response to request for the convening of a three-judge District Court; points and authorities.

July 8, 1980—Reply by pltfs. to defts. opposition to expedited discovery and briefing schedule and convening of a three-judge District Court.

July 8, 1980—Affidavit of service of Sandra Bisbey to serve Summons and Complaint upon Harrison Schmitt.

July 8, 1980—Affidavit of service of Sandra Bisbey to serve Summons and Complaint upon Carl T. Curtis.

July 8, 1980—Affidavit of service of Sandra Bisbey to serve Summons and Complaint upon Americans for Change.

July 8, 1980—Motion of pltf. for expedited discovery, taken under advisement. Motion for Three Judge Court, taken under advisement. Defts. are to file opposition by close of business 7-21-80. (Rep: Tammie Leppo) Penn, J.

July 9, 1980—Letter dated 7-9-80 from Michael L. Burack, Counsel for pltfs., to James Davey, Clerk, U.S.D.C. re: service of reply on defts. counsel on July 8, 1980 at 10:40 a.m.

July 10, 1980—Response by defts. to pltfs. letter profer concerning the constitutionality of 26 U.S.C. § 9012(f).

July 10, 1980—Supplement by defts. to opposition to pltfs. motion for expedited discovery and briefing schedule and response to request for the convening of a three-judge district court.

July 11, 1980—Motion of Federal Election Commission for leave to intervene; points and authorities.

July 16, 1980—Designation of the Honorable Edward Allen Tamm, United States Circuit Judge and the Honorable Malcolm Richard Wilkey, Circuit Judges, United States Court of Appeals for the District of Columbia Circuit, to serve with the Honorable John Garrett Penn, United States District Judge, as members of a three judge court to hear and determine this case. J. Skelly Wright, Acting Chief Judge, U.S.C.A.

July 17, 1980—Amended complaint by plaintiffs adding Americans for an Effective Presidency and Fund for a Conservative Majority; Exhibits (4).

July 17, 1980—Request for order appointing special process server and order appointing Paul Coleman to serve summons and complaint on defts. Americans for an Effective Presidency and Fund for a Conservative Majority.

July 17, 1980—Summons (2) and copies (2) of amended complaint issued.

July 17, 1980—Interrogatories by pltffs. to deft. Fund for a Conservative Majority; Attachment; exhibit.

July 17, 1980—Request by pltffs. to deft. Fund for a Conservative Majority for production of documents; Attachment; Exhibit.

July 17, 1980—Request by pltffs. to deft. Americans for an Effective Presidency for production of documents; attachments; Exhibit.

July 17, 1980—Interrogatories by pltffs. to deft. Americans for an Effective Presidency; attachment; Exhibit.

July 17, 1980—Motion of Common Cause, David Cohen and Winifred Long to consolidate related cases and for order imposing expedited procedures.

July 17, 1980—Request by pltffs. for immediate status conference before the Three-Judge District Court.

July 17, 1980—Affidavit of special process server of service of summons on deft. Americans for an Effective Presidency on 7/17/80.

July 17, 1980—Affidavit of special process server of service of summons on deft. Fund for a Conservative Majority on 7/17/80.

July 21, 1980—Motion of applicant intervenor to dismiss; points and authorities; table of contents; points and authorities.

July 21, 1980—Motion of defendants Harrison H. Schmitt, Carl T. Curtis and Americans for Change; table of authorities; points and authorities.

July 21, 1980—Response of defendants to motion for leave to intervene.

July 21, 1980—Order directing that the oppositions to any motion to dismiss shall be filed on or before July 28, 1980; opposition to the motion to intervene filed in C.A. 80-1754 be filed on or before July 25, 1980; opposition to the motion

to consolidate filed by Common Cause in C.A. 80-1609 and Federal Election Commission in C.A. 80-1754 shall file their initial briefs on the merits on or before August 4, 1980; reply briefs on the merits shall be filed on or before August 11, 1980. Penn. J.

July 23, 1980—Motion to dismiss of defendant Americans for an Effective Presidency; points and authorities.

July 25, 1980—Opposition by defendants to motion of Common Cause, etc. to consolidate related cases and for an order imposing expedited procedures on defendants; points and authorities.

July 25, 1980—Memorandum of points and authorities of defendant Americans for an Effective Presidency in Opposition to motion of plaintiffs to consolidate and impose expedited procedures.

July 25, 1980—Response of the Federal Election Commission to the motion of Common Cause, et al. to consolidate the cases of *Common Cause, et al.* v. *Schmitt, et al.*, C.A. 80-1609 and *Federal Election Commission* v. *Americans for Change, et al.*, C.A. 80-1754.

July 25, 1980—Notice by pltfs. to take deposition of the Reagan for President Committee, The Republican National Committee, Stan Huckaby, and John Deardourff; Attachment A, A Exhibit 1-2, Attachment B, B Exhibit 1-2, Attachment C, C Exhibit 1-2, Attachment D thru E.

July 25, 1980—Notice by pltfs. to take deposition of Harrison Schmitt.

July 28, 1980—Motion of Fund for a Conservative Majority to dismiss; points and authorities.

July 28, 1980—Opposition of plaintiffs to motions to dismiss; table of contents; attachments.

July 28, 1980—Order filed 7-28-80 extending time to 7-28-80 for Americans for an Effective Presidency and Fund for a Conservative Majority to file motions to dismiss; opposition to motions to be filed 8-1-80; Common Cause may limit reply to jurisdictional issues. Penn, J.

July 29, 1980—Amended notice by pltffs. to take deposition of The Republican National Committee, John Deardourff, The Reagan for President Committee and Stuart Spencer; attachments.

July 30, 1980—Second amended notice by pltffs. to take depositions of John Deardourff, The Reagan for President Committee, Stuart Spencer, The Republican National Committee, Brad O'Leary; Attachments.

July 30, 1980—Motion by Americans for an Effective Presidency for a protective order staying all discovery; P&A's.

July 30, 1980—Written objection by John Deardourff to inspection and copying of any or all documents designated in subpoena duces tecum.

July 30, 1980—Motion by John Deardourff to quash subpoena duces tecum or for protective order; P&A's.

July 30, 1980—Motion of defts. Harrison H. Schmitt, Carl T. Curtis and Americans for Change for protective order; P&A's.

July 30, 1980—Motion of defts. Harrison H. Schmitt, Carl T. Curtis and Americans for Change for protective order as to third party discovery; P&A's.

July 31, 1980—Order filed 7-29-80 denying motion of plaintiff for expedited discovery. Penn, J.

July 31, 1980—Order filed 7-29-80 setting hearing on motion to dismiss on 8-6-80 at 2:00 P.M.; setting hearing on merits on 8-19-80 at 2:00 p.m. Penn. J.

July 31, 1980—Opposition of plaintiffs to motions to dismiss filed by defendants Americans for an Effective Presidency and Fund for a Conservative Majority.

August 1, 1980—Memorandum of points and authorities of plaintiffs in opposition to motions for a protective order staying discovery and in support of an order enforcing subpoena duces tecum.

August 4, 1980—Response of Americans for an Effective Presidency and John Deardourff to plaintiffs' memorandum of points and authorities in opposition to motions for a protective order staying discovery and in support of an order enforcing subpoena duces tecum.

August 4, 1980—Motion by non-parties to quash subpoenas duces tecum; points and authorities; table of contents; points and authorities Exhibits (4).

August 4, 1980—Motion of Southeastern Legal Foundation for leave to appear as Amicus Curiae; Exhibit (Brief).

August 4, 1980—Motion of Fund for a Conservative Majority to dismiss; points and authorities.

August 4, 1980—Appearance of Philip A. Lacovara as counsel for Amicus Curiae American Civil Liberties Union Fund of the National Capital Area. (1660 L St., N.W. (20036)—862-7400)

August 4, 1980—Reply of defendants #1, 2, 3 to Common Cause's opposition to motion to dismiss for change.

August 4, 1980—Motion of pltffs. for leave to exceed page limitations; Exhibit (Opening brief)

August 4, 1980—Motion of the American Civil Liberties Union Fund of the National Capital Area for leave to participate as amicus curiae memorandum; Exhibit (points and authorities).

August 6, 1980—Motion of pltffs. for order enforcing subpoena duces tecum; P&A's; Exhibit.

August 6, 1980—Appearance of Arthur B. Spitzer as counsel for Amicus Curiae American Civil Liberties Union Fund of the National Capital Area. (Arthur B. Spitzer—600 Penn. Ave., S.E. Wash., D.C. 544-1076)

August 6, 1980—Order filed 8-5-80 granting motion of Federal Election Commission to intervene as party defendant; directing intervenor defendant to file motion to dismiss by 7-21-80, nunc pro tunc 7-18-80. Penn, J.

August 6, 1980—Order filed 8-5-80 staying discovery noticed by plaintiffs Common Cause, David Cohen and Winifred Long pending ruling on motions for protective order. Penn, J.

August 7, 1980—Order filed 8/6/80 granting leave to pltffs. to file an opening brief in excess of 35 pages.

August 8, 1980—Opening brief by plaintiffs on the merits; attachment.

August 8, 1980—Letter dated 8/8/80 from Robert R. Sparks, Jr. re typographical errors that appear on pages 6 and 8 of motion to dismiss deft. Fund for a Conservative Majority filed 8/4/80.

August 11, 1980—Motion of Americans for an Effective Presidency for leave to exceed page limitations; Exhibit (brief).

August 11, 1980—Request for defendant AEP for permission to be heard in open court; statement of material facts; Exhibits.

August 11, 1980—Reply brief of Southeastern Legal Foundation as Amicus Curiae; table of authorities.

August 12, 1980—Reply of defendant Fund for a Conservative Majority to Common Cause's opening brief on the merits and opposition to Federal Election Commission's motion for summary judgment; table of contents.

August 14, 1980—Memorandum of plaintiffs of points and authorities in opposition to motion to dismiss or, in the alternative, for summary judgment of defendant Americans for Change in No. 80-1754 and in Opposition to the motion for summary judgment of defendants Americans for an Effective Presidency in No. 80-1609; statement of material facts; affidavit of David Cohen.

August 18, 1980—Reply brief of plaintiffs on the merits; table of contents; table of authorities.

August 19, 1980—Motion of plaintiffs for declaratory judgment and permanent injunction heard and taken under advisement. Tamm, J., U.S.C.A.; Wilkey, J., U.S.C.A.; Penn, J., U.S.D.C.

August 20, 1980—Order filed 8-19-80 granting leave to Southeastern Legal Foundation for leave to appear as amicus curiae. Wilkey, J., U.S.C.A.; Tamm, J., U.S.C.A.; Penn, J., U.S.D.C.

August 21, 1980—Order filed 8/19/80 granting permission of Ralph K. Winter to argue for deft. Americans for an Effective Presidency. Tamm, J., USCA, Wilkey, J., USCA, Penn, J., USDC.

August 21, 1980—Order filed 8-19-80 granting motion of American Civil Liberties Union Fund of the National Capital Area for leave to participate as amicus curiae; directing Clerk to file memorandum of points and authorities submitted with motion. Wilkey, J., U.S.C.A.; Tamm, J., U.S.C.A.; Penn, J., U.S.D.C.

August 21, 1980—Order filed 8/19/80 granting leave to pltfs. to file a brief in excess of 35 pages. Wilkey, J., USCA, Tamm, J., USCA, Penn, J., USDC.

August 22, 1980—Memorandum of points and authorities of the American Civil Liberties Union Fund of the National Capital Area, Amicus Curiae.

August 22, 1980—Brief of Southeastern Legal Foundation as Amicus Curiae.

August 28, 1980—Order denying motion of plaintiff to consolidate case with C.A. 80-1754 granting motion of defendants to dismiss; dismissing complaint denying motions of defendant for protective order; denying all other pending motions. Tamm, J., U.S.C.A.; Wilkey, J., U.S.C.A.; Penn, J., U.S.D.C.

September 11, 1980—Transcript of Proceedings of August 19, 1980. Pages 1 through 78; Reporter: Judith M. McGinn; Court Copy.

September 26, 1980—Notice of appeal by plaintiffs from Order of 8-28-80 to the Supreme Court of the United States; copies mailed to the Honorable Wade McCree; Charles N. Steele, Jan Baran, Roderick M. Hills, Paul D. Kamenar and Robert R. Sparks, Jr.

September 29, 1980—Order filed 9-25-80 consolidating C.A. 81-1609 with C.A. 80-1754. Tamm, J., U.S.C.A.; Wilkey, J., U.S.C.A.; Penn, J., U.S.D.C.

September 30, 1980—Memorandum and Order denying motion of Federal Election Commission for summary judgment; granting motion of political committees and individuals for summary judgment; dismissing Count I of complaint brought by Common Cause as moot; dismissing Count II of complaint for lack of jurisdiction. Wilkey, J., U.S.C.A.; Tamm, J., U.S.C.A.; Penn, J., U.S.D.C.

October 3, 1980—Amended notice of appeal to the Supreme Court of the United States by plaintiffs.

October 8, 1980—Notice of appeal by defendants Federal Election Commission to the Supreme Court from order entered 8-28-80.

December 5, 1980—Transcript of proceedings, 7/8/80; courts copy; pages 1-27; Rep: T. Leppo.

February 9, 1980—Transcript of Proceedings, 8/6/80; pages 1-56 Rep: James M. Turner; Court Copy.

February 24, 1981—Certified copy of order of the United States Supreme Court filed 2-23-81 noting probable jurisdiction and consolidating the case with 80-1067 *FEC* v. *Americans for Change, et al.* and allotting a total of one hour for oral argument.

LIST OF RELEVANT DOCUMENTS
WHICH HAVE BEEN REPRODUCED IN THE APPENDICES
TO APPELLANTS' JURISDICTIONAL STATEMENTS
FILED WITH THE COURT, RULE 30.1

	FEC App.	CC App.
District Court opinion in C.A. Nos. 80-1609, 80-1754	App. A at 1a	App. A at 1a
District Court Order in No. 80-1754	App. B at 35a	App. C at 33a
District Court Order in No. 80-1609		App. B at 31a
District Court Order to Consolidate Nos. 80-1609 and 80-1754	App. C at 37a	App. F at 37a
Notice of Appeal in No. 80-1609		App. D at 35a
Notice of Appeal in Nos. 80-1754, 80-1609	App. D at 38a	App. E at 36a
Amended Notice of Appeal in Nos. 80-1754, 80-1609		App. G at 39a
Supreme Court Order Granting Extension of Time	App. E at 42a	
Presidential Election Campaign Fund Act, 26 U.S.C. ch. 95		App. H at 41a
Complaint in No. 80-1754	App. F at 43a	
Amended Complaint in No. 80-1609		App. I at 69a
Exhibits to Amended Complaint (Lodged Separately)		App. (Supp.)

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SUPREME COURT OF THE UNITED STATES
Washington, D.C. 20543

Charles N. Steele, Esq.
General Counsel
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

February 23, 1981

RE: Common Cause, et al. v. Harrison Schmitt, et al., No. 80-847; and Federal Election Commission v. Americans for Change, et al. No. 80-1067

Dear Mr. Burack:

The Court today took the following action in the above cases:

"In these cases probable jurisdiction is noted. The cases are consolidated and a total of one hour is allotted for oral argument."

Enclosed are memorandums describing the time requirements and procedures under the rules.

Very truly yours,

ALEXANDER L. STEVAS
Clerk

/s/ By June M. Hoffmann
(Miss) JUNE M. HOFFMANN
Assistant Clerk

Enclosures

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